

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RATEEK ALLAH,

Plaintiff

v.

WARDEN BEASELY, et al.,

Defendants

CIVIL ACTION NO. 3:18-CV-2047

(Judge Caputo)

O R D E R

AND NOW, this 19th day of SEPTEMBER 2019, in accordance with the accompanying Memorandum issued this date, it is ORDERED that:

1. Plaintiff's motions to proceed *in forma pauperis* are construe as motions to proceed without full prepayment of fees and costs and the motions (ECF No. 2 and 10) are GRANTED.
2. The Complaint (ECF No. 1) is deemed filed.
3. Plaintiff must, and has agreed to, pay the full \$350.00 filing fee regardless of the outcome of the litigation. (ECF No. 11).
4. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or
 - (B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall

forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.

5. The Clerk of Court shall send a copy of this Order to the Warden of the institution wherein Plaintiff is presently confined.
6. The Clerk of Court shall update the docket to reflect Mr. Allah's current place of incarceration, USP Coleman II, Sumterville, FL.
7. Mr. Allah's Complaint is dismissed pursuant to [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#).
8. Within twenty-one (21) days from the date of this Order, Plaintiff may file an amended complaint as to all claims except his First Amendment retaliation claim against Ms. Holtzapple.
9. The amended complaint shall bear the same case number presently assigned to this action, shall be labelled as the "Amended Complaint," and shall be direct, concise, and shall stand alone without any reference to any document filed in this matter. See [Fed. R. Civ. P. 8\(d\)](#).
10. Should Plaintiff fail to file a timely amended complaint, the Clerk of Court shall be directed to close this case.
11. The Clerk of Court shall forward to Plaintiff two (2) copies of this Court's prisoner civil-rights complaint form which Plaintiff shall use in preparing his amended complaint.
12. Mr. Allah's motions for preliminary injunction (ECF Nos. [7](#) and [8](#)) are denied as moot.

/s/ A. Richard Caputo
A. RICHARD CAPUTO
United States District Judge